IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18961 of 2004

Between:

G. Kesava Reddy, S/o. Late Sri G. Rami Reddy,
R/o. H.No.157, LIGH, Bharatnagar Colony,

Sanathnagar I.E. (Post), Hyderabad-18.

..... PETITIONER

AND

1 Union of India, rep. by Secretary of Defence,
(Ministry of Defence (Pen-A), New Delhi-110 011.
2 The Principal Controller of Defence Accounts (Pensions),

Dhraupadi Ghat, Allahabad, (Uttar Paradesh).
3 The Addl. Director General (Personnal Services),

Adjutant General's Branch/PS-4(d),
Army Head Quarters, DHQ, P.O New Delhi-110 011.
4 Officer-in-Charge, Artillery Records,
Nasik Road Camp-422102, Maharastra.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ or direction, preferably one in the nature of writ of Mandamus by calling for the records pertaining to the appeal filed by the Petitioner on 7.10.1987 before the Respondent No.1 aggrieved by the order passed vide letter dt. 31.5.1986 to peruse interalia to direct the Respondent No.1 herein to dispose of the appeal by its office filed by the Petitioner on 7.10.1987 interalia to cancel in particular erroneous letter No.JC-93840/Appeal-7330/Pen.2 Dated.22.10.2003 addressed by Respondent No.4, letter No.B/40502/TB Appeal/03/AG/PS-4(d) dt. 31.7.2003 issued by Respondent No.3, Letter No.JC-93840/Q/L-II/DP-x/NE dt. 13.10.1988 issued by Respondent No.4 herein and such other letters addressed adverse to the interests of the petitioner (who served the nation for more than two decades) issued subsequent

to the date of 7.10.1987 by the Respondents herein by declaring the same as irregular, arbitrary, contrary to the rules and orders prescribed and not sustainable in law and consequently to direct the Respondents herein, Respondent No.1 in particular to examine the case of the Petitioner for sanction of medical disability pension w.e.f.24.6.1985 in keeping with the Medical Board Proceedings dt. 22.6.1985 with all consequential and accrued benefits duly considering the entire service record of the petitioner and other documentary evidence giving an opportunity to the Petitioner for personal hearing.

Counsel for the Petitioner:MR.Y.V.KISHORE

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following :

ORDER:

The petitioner worked as a Sepoy in the Indian Army. He contends that he suffered from disability and he was not granted disability pension. In connection with that, he preferred an appeal before the first respondent on 07-10-1987. The grievance of the petitioner is that the first respondent so far did not pass any orders on the appeal preferred by him on 07-10-1987.

In the light of the circumstances explained by the petitioner, the first respondent is directed to verify whether the petitioner preferred any appeal on 07-10-1987. If so to pass appropriate orders on merits and communicate the same to the petitioner as expeditiously as possible.

The Writ Petition is accordingly disposed of.

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Dr. G. Yethirajulu, J.

Dt:14th October, 2004.

Rns.

To

1 The Secretary of Defence,
Union of India, (Ministry of Defence (Pen-A), New Delhi-110 011.

2 The Principal Controller of Defence Accounts (Pensions),

Dhraupadi Ghat,
Allahabad, (Uttar Pradesh).

3 The Addl. Director General (Personnal Services),

Adjutant General's Branch/PS-4(d),
Army Head Quarters, KHQ, P.O New Delhi-110 011.

4 Officer-in-Charge, Artillery Records,
Nasik Road Camp-422102, Maharastra.

5 Two CD copies.